

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY C CHANCY, SR,

Plaintiff,

v.

Case No. 15C0767

JUDY P SMITH, et al.,

Defendants.

ORDER

This case, which was originally assigned to Judge Clevert, has a somewhat long procedural history. It has been pending now for more than two years. Just prior to the reassignment, the defendant was permitted to amend his complaint to add nine new defendants. A previous motion to dismiss for failure to exhaust administrative remedies was denied with leave to refile after the motion to amend the complaint was granted. Defendants now seek to stay all discovery to permit them to refile the exhaustion motion and supplement it as to the additional defendants. They intend to do so by September 28, 2017, the dispositive motion deadline that this court previously set.

The defendant has a pending motion to compel discovery, as well as a motion for an extension of time to conduct discovery and file dispositive motions. For the following reasons, the court takes the following action on the pending motions. Defendants' motion to stay the deadline for the summary judgment motion on the merits is granted. Defendants' motion to compel discovery is denied, but without prejudice. In the event the motion for summary judgment on exhaustion grounds is denied, plaintiff may renew his motion for discovery. The motion for an extension of time to extend discovery and to file dispositive motions is likewise denied with the

understanding that, if the motion for summary judgment based on exhaustion is denied, these motions can also be refiled.

The court has issued this order without waiting for a response to defendants' motion to stay the deadline for summary judgment on the merits, given the relatively short time between now and the current dispositive motion date. As a result, plaintiff may seek reconsideration in the event he has objections and reasons why the defendants' motion should not be granted.

Dated this 19th day of September, 2017.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court